

HENRY WOODS.

[To accompany Joint Resolution No. 32.]

APRIL 12, 1860.

Mr. MOREHEAD, from the Committee on Commerce, made the following

REPORT.

*The Committee on Commerce, to whom was referred the memorial of Henry Woods, for compensation as commissioner for the erection of a custom-house and post office at Pittsburg, Pennsylvania, make the following report:*

Henry Woods was appointed joint commissioner, with Samuel Roseburg, to superintend the erection of new custom-house, post office, and court-house at Pittsburg, on the 15th March, 1852, and continued to act in that capacity until the 13th day of July, 1854, when the building was completed and the contract finally closed. He was also surveyor of customs and disbursing agent of the Treasury department until he retired from office, which was on the 14th day of May, 1853, during which time his commissions as disbursing agent amounted to \$621 25.

The appointment of those commissioners was under an act authorizing the construction of the building, and the civil and diplomatic appropriation bill of August 4, 1854, directs the Secretary of the Treasury to apply, out of any money in the treasury not otherwise appropriated, such sums as may in his opinion be necessary to complete the building for the custom-house, &c., and also to pay to the commissioner who superintended the construction of said buildings, such compensation as the Secretary should deem just, not to exceed three dollars per day each.

This act making appropriation for the civil expenses of the government, passed August 18, 1856, contains the following provision:

“The Secretary of the Treasury is hereby directed to pay to Henry Woods, and to the legal representatives of Samuel Roseburg, deceased, the sum of three dollars per day each, for the service of said Woods and Roseburg in superintending the construction of the building for a custom-house, post office, and court-house, at Pittsburg, Pennsylvania.”

After the passage of this act, which is amendatory, Mr. Woods presented his account for services, 851 days at \$3, \$2,553; and in the settlement then made an error was committed by supposing that when

he was superseded as surveyor of customs, which was on the 14th day May, 1853, his duties as commissioner for the erection of the building ceased also, when the fact is shown by the files of the department, that he continued to act in that capacity until the building was completed. Owing to this error and the fact of Mr. Guthrie, the then Secretary of the Treasury, having deducted the \$621 25 received as commissions on disbursements, Mr. Wood refused to receive the amount found due him by the department. The heirs of Samuel Roseburg, his joint commissioner, presented their account to the present Secretary of the Treasury, and received payment as provided for in the act of 1856.

Upon Mr. Woods' application to the present Secretary, he declined to reopen the case, it having been decided by his predecessor. In reply to a letter addressed to him by your committee, he states as follows, viz:

TREASURY DEPARTMENT, *March 14, 1860.*

SIR: As requested in your letter of the 3d instant, I have the honor to transmit herewith copies of papers containing all the information to be had in this department, in relation to the claim of Mr. Woods for compensation as commissioner in building the custom-house at Pittsburg, Pennsylvania.

In reply to that portion of your letter asking my opinion of the case, I have to say that Mr. Woods' claim having been decided by my predecessor, I declined to disturb the decision which had been made, no new facts as required by the regulations being presented, which would justify the reopening of the case by the department.

When Mr. Roseburg's claim, not having been decided by my predecessor, was presented, I decided that it should be paid, and I am free to say that had Mr. Woods' claim been presented to me under similar circumstances, I should have directed its payment without deducting any sum or sums which were paid him in the disbursement of the fund.

I am, very respectfully,

HOWELL COBB,  
*Secretary of the Treasury.*

Hon J. K. MOREHEAD,  
*Of the Committee on Commerce, House of Representatives.*

The papers referred to in this letter, marked A, B, C, and D, accompany this report, and will be printed with it.

Your committee are of opinion that the claim of the memorialist should be paid in full, and report a joint resolution for that purpose.

## A.

TREASURY DEPARTMENT,  
Office of Commissioner of Customs, September 30, 1856.

SIR: The enclosed certificate of the First Auditor, No. 124374, in favor of Henry Woods, late surveyor of the customs, &c., at Pittsburgh, Pennsylvania, for the sum of \$2,553 alleged to be due to him for services rendered as *commissioner* for the erection of a custom-house at that port from March 15, 1852, to July 18, 1854, at three dollars per day, under the act approved August 18, 1856, is respectfully submitted, with the following statement of facts in connexion therewith, for your decision thereon:

Mr. Woods was superseded in the office of surveyor of the customs by Mr. Hastings, the present incumbent, *on the 14th of May, 1854*. On the termination of his services as surveyor he claimed to be allowed, and was allowed, in the settlement of his custom accounts, for compensation as superintendent in purchasing a site and making disbursements for custom-house, &c., from July 1, 1853, to May 31, 1854, \$621 25, being, with commissions allowed to him as agent of marine hospital, at the rate of \$400 per year, the maximum compensation for other services authorized by the eighteenth section of the act of May 7, 1822, which was regarded as a final settlement of his accounts.

The above sum of \$621 25 was allowed on the 23d of February, 1855, as will be seen by the Auditor's certificate enclosed, No. 116959, upwards of six months after the passage of the civil and diplomatic act of August 4, 1854, the first section of which, (Statutes at Large, vol. 10, page 361, paragraph 21,) directs the Secretary of the Treasury to apply out of any money in the treasury not otherwise appropriated such sums as may, in his opinion, be necessary to complete the building for the custom-house, &c.; and also to pay to the commissioner who superintended the construction of such building such compensations as the Secretary should deem just, not to exceed three dollars a day each. Mr. Hastings, his successor, has also been allowed for commissions on disbursements made on account of custom-house, &c., from June 1, 1853, to June 30, 1854, on the same principle, \$461 11. Mr. Woods now claims, under the act of August 18, 1856, for compensation as commissioner for the erection of a custom-house, &c., from March 15, 1852, to July 13, 1854, say 851 days, at three dollars per day, amounting to \$2,553.

The question, therefore, arises, whether the above settlement, under the act of 1822, and in view of the act of August 4, 1854, is to be regarded as final and conclusive; and if not, whether the amount claimed under the act of August 18, 1856, is to be allowed in full, as per Auditor's certificate, or whether the \$621 25, heretofore allowed as superintendent, &c., is to be deducted therefrom; and also whether the per diem under the act of August 18, 1856, is to be allowed to the 14th May, 1853, or to the 13th July, 1854, and whether said per diem is to be inclusive or exclusive of Sundays.

All which is respectfully submitted. I am, &c.,

P. FERAN.

*Acting Commissioner of Customs.*

Hon. JAMES GUTHRIE, *Secretary of the Treasury.*

## B.

## TREASURY DEPARTMENT,

*Office of Commissioner of Customs, October 1, 1856.*

SIR: Your account for services as commissioner of public buildings at Pittsburg, Pennsylvania, has been adjusted at the Treasury, and the sum of \$476 75 found to be due to you from the United States, which amount I have requested the Secretary of the Treasury to cause to be remitted to you.

The amount of the account presented by you is..... \$2,553 00  
From which the following deductions are made:

Amount overcharged by you, being from 14th May, 1853, to 13th July, 1854, disallowed, your term of office having expired 14th May, 1853, being 425 days, at three dollars per day.....	\$1,275 50
Amount charged by you for sixty Sundays, at three dollars per day, between 15th March, 1852, and 14th May, 1853, disallowed.....	180 00
Amount heretofore allowed you for disbursements on said buildings.....	621 25
	<hr/> 2,076 25
Leaving amount found due you.....	<hr/> 476 75

I am, &c.,

P. FERAN,

*Acting Commissioner of Customs.*

HENRY WOODS, Esq.,  
*Pittsburg, Pennsylvania.*

## C.

## TREASURY DEPARTMENT,

*Office of Commissioner of Customs, August 15, 1857.*

SIR: Upon the memorial of Edwin M. Stanton, esq., asking for a restatement of the account of Henry Woods, late surveyor of the customs at Pittsburg, Pennsylvania, under an act of Congress passed August 18, 1856, referred to this office for report, I respectfully submit the following statement:

Mr. Woods was appointed joint commissioner, with Samuel Roseburg, to superintend the erection of the new custom-house, post office, and court-house at Pittsburg, March 15, 1852, and continued to act in that capacity until July 13, 1854, when the building was completed, and the contract finally closed.

Mr. Woods, being surveyor of the customs, acted also as the disbursing agent of the Treasury, for this purpose, until he retired from office on the 14th May, 1853. For the performance of the last-named service he was allowed, in the settlement of the several accounts, the

sum of \$621 25, being commissions on said disbursements at two and a half per cent. limited to maximum, and sum provided in the act of May 4, 1822.

In the act making appropriation for the civil expenses of the government, passed August 18, 1856, there is the following provision :

"The Secretary of the Treasury is hereby directed to pay to Henry Woods, and to the legal representatives of Samuel Roseburg, deceased, the sum of three dollars per day each, for the services of said Woods and Roseburg in superintending the construction of the building for a custom-house, post office, and court-house at Pittsburg, Pennsylvania."

Under this provision of law Mr. Woods presented his account on the 1st September last, in which he charged his per diem from March 15, 1852, to July 13, 1854, amounting to the sum of \$2,553.

By direction of the late Secretary of the Treasury, contained in his letter of September 30, 1856, a copy of which is hereto annexed, the account of Mr. Woods was settled in the following manner :

From the date of his appointment, March 15, 1852, to May 14, 1853, the date of his retiring from the office of surveyor, and on which day his service as disbursing agent also ceased, being 366 days, exclusive of Sundays, at three dollars per day.....	\$1,098 00
From which was deducted the amount theretofore allowed for commissions as disbursing agent.....	621 25

Leaving the sum of.....	476 00
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as due him under the provisions of act of August 18, 1856 ; and it is for a restatement of this account, and the allowance of the sum charged, that the application in behalf of Mr. Woods is now made.

The claimant in this case having been advised, in reply to previous letters, that the account would not be reopened unless some new facts were presented which were not before the Secretary at the date of the former statement, it is now alleged in the memorial of Mr. Stanton and the letter of Mr. Woods that such facts actually exist, and constitute a sufficient basis for the review prayed for.

In regard to the settlement with Mr. Roseburg, I cannot perceive that it conflicts with the reasoning or order of the Secretary in the case of Mr. Woods.

Mr. Roseburg was not the disbursing agent of the department, nor was he in any such way connected with the Treasury as rendered his service or appointment an *ex-officio* one, and he was paid in accordance with the express provision of the act, disallowing, as in the case of Mr. Woods, his charge for Sundays.

The settlement of that claim would not, therefore, in my judgment, present the case of two settlements inconsistent with each other, as is alleged in the memorial.

The other ground assumed by the claimant is more tenable, and commends itself very strongly to your consideration.

In the letter to Secretary Guthrie no direct reference is made to the capacity in which Mr. Woods acted, but it is quite obvious, from its language, that he had in view merely his services and responsibilities as disbursing agent.

This appointment being an *ex-officio* one, terminated with the ex-



piration of his term of service as surveyor, on the 14th of May, 1853, after which his duties as disbursing agent ceased and were discharged, and the commissions received by his successor. It appears, however, from the files of the department, and the letter of Mr. Woods, that he continued jointly with Mr. Roseburg to discharge the duties of superintendent until the building was finally completed, on the 13th of July, 1854, and it is for this service as commissioner that the act of August 18, 1856, especially providing the settlement of Mr. Woods' account, was made during my absence from the city, and this distinction, I think, was not presented to the Secretary, who, I am sure, upon a proper representation of the facts, would have rescinded his first decision.

If, upon this statement of the facts, you should think it proper to reopen the case, the question would arise as to the extent of additional allowance he ought to receive under the law.

The claimant has already received \$621 25 for his services as disbursing agent, and as this allowance has always been considered within the discretion of the Secretary, I think it fair to presume that none of it would have been granted if it had been known that he was to be compensated also as commissioner at the rate provided by the late act, and it would be doing him no injustice to deduct that sum, as in the former settlement.

The exclusion of Sundays, in both the cases of Woods and Roseburg, was an exception to the general rule, and I do not think it proper to make any further remarks respecting that deduction.

The memorial of Mr. Stanton, and the other papers, are herewith returned.

I am, &c.,

H. J. ANDERSON, *Commissioner.*

HOWELL COBB,

*Secretary of the Treasury.*

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D.

TREASURY DEPARTMENT, *September 30, 1856.*

SIR: The act authorizes a compensation by the day for services, and as no services could be rendered, or were in fact rendered on Sundays, in stating the account, Sundays ought not to be included; and as Congress has fixed the criterion of \$3 per day, instead of the additional commission which he was allowed under former laws, the sum which he received for other services, as an addition to his commission for other services, should also be deducted, and he should not be allowed for any services after he was out of office, as he rendered none, and Hastings acted and was compensated for the same. With these corrections, Mr. H. Woods should be allowed the balance due him.

I am, very respectfully,

JAMES GUTHRIE,  
*Secretary of the Treasury.*

H. J. ANDERSON,  
*Commissioner of Customs.*



